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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT

(Shasta)

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In re J.G., a Person Coming Under the Juvenile Court  
Law.

C077056

THE PEOPLE,

(Super. Ct. No.  
JDSQ122933901)

Plaintiff and Respondent,

v.

J.G.,

Defendant and Appellant.

In lieu of adjudging minor J.G. a ward of the court based on his commission of trespass and felony vandalism, the juvenile court granted minor deferred entry of judgment and placed him on probation with terms and conditions including payment of restitution to the victim. Because minor eventually satisfied the terms and conditions of his probation with the exception of full payment of ordered restitution, the juvenile court terminated minor's probation, dismissed the wardship petition, sealed the record, and converted any unpaid restitution to a civil judgment. Minor appealed from the juvenile court's order.

In the published portion of our original opinion we concluded that (1) the juvenile court's order is a judgment within the meaning of Welfare and Institutions Code section 800, subdivision (a) and, thus, subject to review, because the juvenile court rendered a final determination of the rights of the parties in the wardship proceeding and (2) even if a juvenile court has not adjudged a minor a ward of the court, it can convert an unfulfilled restitution order to a civil judgment when it terminates a minor's deferred entry of judgment probation and dismisses the wardship petition.<sup>1</sup> (*In re J.G.* (2017) 7 Cal.App.5th 955.)

In the unpublished portion of our original opinion we concluded that (1) the juvenile court did not err in considering minor's Supplemental Security Income (SSI) benefits, among other things, in assessing ability to pay restitution, recognizing that the juvenile court could not compel minor to *use* his SSI benefits to pay restitution; (2) the juvenile court did not abuse its discretion in imposing restitution; and (3) minor forfeited his claim with regard to the cap set forth in section 742.16, subdivision (n). We affirmed the judgment of the juvenile court. (*In re J.G.* (Jan. 24, 2017, C077056) [nonpub. opn.].)

The Supreme Court granted review and reversed our decision. Like us, the Supreme Court concluded that the trial court did not err in ordering conversion of the unpaid restitution balance to a civil judgment and in considering minor's SSI benefits in determining his ability to pay restitution. (*In re J.G.* (2019) 6 Cal.5th 867, 869-870.) It did not address whether the challenged order was appealable.

However, on the issue of whether the trial court erred in finding, based on his receipt of SSI benefits, that minor had the ability to pay restitution, the Supreme Court concluded that the matter must be remanded for a new ability to pay hearing based on

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<sup>1</sup> Undesignated statutory references are to the Welfare and Institutions Code.

concessions made by the People at oral argument in the Supreme Court. (*In re J.G.*, *supra*, 6 Cal.5th at pp. 869-870, 884-885.) The Supreme Court “agree[d] with the People that the record indicates the juvenile court ‘was contemplating the social security money as the source of the restitution payments.’ ” (*Id.* at p. 885.) It said the juvenile court discussed only matters related to minor’s SSI benefits and did not make any findings regarding his future earning capacity. (*Ibid.*) Given its reading of the record, the Supreme Court “accept[ed] the People’s concession that the proper disposition of this case is to reverse the judgment and remand for a new ability to pay hearing that includes consideration of J.G.’s future earning capacity, his current financial circumstances, and the total amount of restitution to be ordered.” (*Ibid.*) The Supreme Court reversed our judgment and remanded the matter to us for further proceedings. (*Ibid.*)

#### DISPOSITION

We reverse the portion of the juvenile court’s order which finds ability to pay and the amount of restitution and remand the matter to the juvenile court for a new hearing consistent with the opinion of the Supreme Court. We affirm the juvenile court’s order in all other respects.

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/S/  
MAURO, J.

We concur:

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/S/  
RAYE, P. J.

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/S/  
ROBIE, J.